

SENATE BILL No. 291

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-26.

Synopsis: Regional water, sewage, and solid waste districts. Requires mailed notice of a board of trustees election to all eligible voters in a regional water, sewage, or solid waste district. Allows eligible voters to vote by absentee ballot in board elections. Requires mailed notice to all users of a district's works of a hearing concerning a district's proposed ordinance to establish, change, or readjust the district's rates and charges. Requires a notice of a proposed ordinance to change or readjust rates to contain a statement informing property owners of the district of their right to file a petition objecting to an ordinance increasing rates at a yearly rate that is greater than 5%.

Effective: July 1, 2003.

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January 15, 2003, read first time and referred to Committee on Elections and Civic Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 291

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-26-4-2.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 2.5. (a) This section applies to a board election under**
4 **section 2 of this chapter after June 30, 2003.**

5 **(b) As used in this section, "eligible voter" means a user of the**
6 **district's works or an owner of property served or to be served by**
7 **the works.**

8 **(c) An eligible voter may cast a vote in a board election by one**
9 **(1) of the following means:**

10 **(1) In person, on the date and at the time and place specified**
11 **in each form of notice required under subsection (d).**

12 **(2) By absentee ballot, included in the notice mailed under**
13 **subsection (d)(2). An eligible voter who chooses to vote by**
14 **absentee ballot shall complete the ballot and return the ballot:**

15 **(A) in person to a location specified in the notice mailed**
16 **under subsection (d)(2), on or before the ending time for in**
17 **person voting on the date of the election; or**



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(B) by mail to an address specified in the notice mailed under subsection (d)(2), postmarked on or before the date of the election.

(d) Notice of a board election shall be given as follows:

(1) By publication one (1) time each week for two (2) weeks in a newspaper of general circulation in each of the counties with territory in the district. The last publication must be at least seven (7) days before the date fixed in the notice for the election.

(2) By mail to all eligible voters in:

(A) the district, if the board is elected under section 2 of this chapter from the district at large; or

(B) in a district or ward in which a trustee is up for election, if the board is elected under section 2 of this chapter from districts or wards within the district.

A notice mailed under this subdivision must be postmarked not later than fourteen (14) days before the date fixed in the notice for the election. The notice required under this subdivision may be included in a district's periodic billing to users, if the billing is postmarked not later than fourteen (14) days before the date fixed in the notice for the election.

A notice under subdivision (1) or (2) must specify the date, time, and place for in person voting under subsection (c)(1). A mailed notice under subdivision (2) must include an absentee ballot and instructions for completing and returning the ballot by mail or in person, as required by subsection (c)(2).

SECTION 2. IC 13-26-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. After introduction of the ordinance initially fixing rates or charges but before the ordinance is finally adopted, notice of the hearing setting forth the proposed schedule of the rates or charges must be given as follows:

(1) By publication one (1) time each week for two (2) weeks in a newspaper of general circulation in each of the counties with territory in the district. The last publication must be at least seven (7) days before the date fixed in the notice for the hearing.

(2) By mail to all users of the works and owners of property served or to be served by the works, if the ordinance fixing the rates and charges is introduced after June 30, 2003. A notice mailed under this subdivision must be postmarked not later than ten (10) days before the date fixed in the notice for the hearing. The notice required under this subdivision may be included in a district's periodic billing to users, if the billing

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1 **is postmarked not later than ten (10) days before the date**
2 **fixed in the notice for the hearing.**

3 The hearing may be adjourned as necessary.

4 SECTION 3. IC 13-26-11-14 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) The rates or
6 charges established for a class of users of property served shall be
7 extended to cover any additional premises served after the rates or
8 charges are established that are in the same class, without the necessity
9 of hearing or notice.

10 (b) A change or readjustment of the rates or charges ~~may~~ **shall** be
11 made in the same manner as the rates or charges were originally
12 established. **If an ordinance to change or readjust the rates or**
13 **charges is introduced after June 30, 2003:**

14 **(1) the same notice requirements set forth in section 12 of this**
15 **chapter apply after the introduction of the ordinance; and**

16 **(2) in the case of a regional sewage district, each form of**
17 **notice required under section 12 of this chapter must contain**
18 **a statement informing property owners in the district of the**
19 **property owners' right, under section 15 of this chapter, to file**
20 **a petition objecting to any ordinance finally adopted by the**
21 **board that increases rates and charges at the rate specified in**
22 **section 15 of this chapter.**

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